

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

October 6, 1970

LEGISLATIVE REFERRAL MEMORANDUM

To: Legislative Liaison Officer  
National Security Council  
Department of Justice  
Central Intelligence Agency  
Department of Defense  
Department of the Treasury

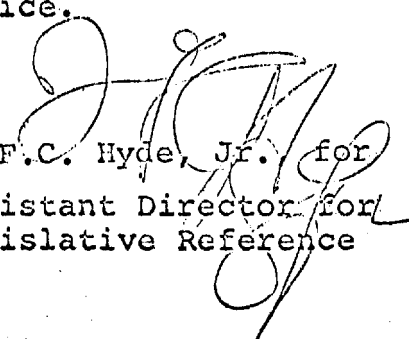
Subject: State's proposed report on S. Res. 454, "Expressing the sense of the Senate that the U.S. should enter into agreements with other nations relating to measures to be taken against persons who unlawfully endanger the life and freedom of any official of a government of another nation or an international organization, or a member of his family."

The Office of Management and Budget would appreciate receiving the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with Budget Circular A-19.

(X ) To permit expeditious handling, it is requested that your reply be made within 30 days.

( ) Special circumstances require priority treatment and accordingly your views are requested by

Questions should be referred to Ed Grove  
(103- 4580 ) or to Ralph E. Burr (103-4710 ),  
the legislative analyst in this office.

  
J.F.C. Hyde, Jr. for  
Assistant Director for  
Legislative Reference

Enclosures



DEPARTMENT OF STATE

Washington, D.C. 20520

Honorable J. W. Fulbright,  
Chairman, Committee on  
Foreign Relations,  
United States Senate,  
Washington, D. C. 20510

Dear Mr. Chairman:

Reference is made to your letter dated August 26, 1970, requesting the views of the Department of State on S. Res. 454, relating to measures to be taken against persons who endanger the life and freedom of any official of another nation or an international organization, or a member of his family. The Department is deeply concerned with the subject of the proposed resolution and appreciates being afforded this opportunity to offer its comments thereon.

Dissident groups and individuals are resorting with increasing frequency to acts of terrorism against foreign officials as a way to achieve their goals. Kidnappings and murders have been undertaken in a number of countries with total disregard and open contempt for fundamental principles of international law and basic norms of civilized conduct. This alarming trend poses a serious threat to the effective conduct of international relations and requires cooperative efforts by affected nations to deter and to punish the reckless persons whose heinous crimes jeopardize both the personal safety of individuals and the maintenance of friendly relations between governments.

The Department has already begun consultations and negotiations with other concerned governments with a view toward arriving at agreements as contemplated by the proposed resolution. These efforts are focused particularly upon the substance of paragraph (2) of

The General Assembly of the Organization of American States has requested the Inter-American Juridical Committee to prepare "one or more draft Inter-American instruments on kidnapping, extortion, and assaults against persons, in cases in which these acts may have repercussions on international relations." The Committee is deliberating in Rio de Janeiro at this time and should be in a position to report a draft agreement in the near future.

We would welcome an expression of the sense of the Senate that would support our efforts in this regard. However, we do not believe it desirable that such a resolution should purport to set out the specific points to be covered in an international agreement.

Many aspects of the problem of terrorism directed against foreign governments have been or will be discussed with other governments. Our discussions are certain to encompass all the subjects mentioned in S. Res. 454 as well as other matters. However, the entire subject is highly sensitive and different governments have widely divergent views on such questions as asylum and recognition. Insistence upon the inclusion of a provision concerning recognition, for example, could frustrate the successful conclusion of negotiations.

We are concerned that the existence of a Senate Resolution expressing specific statements of policy on particular issues could impair the flexibility of our negotiators in seeking to achieve agreements that will best serve the interests of international and domestic security. Paragraphs such as (3) and (4) of S. Res. 454, moreover, if included in an agreement, could seriously complicate delicate discussions when an individual's life might be in jeopardy. We would strongly prefer that the operative part of the resolution be limited to an expression of the sense of the Senate that the President "should take such steps as may be necessary to secure at the earliest practicable time bilateral or multilateral agreements by

which each signatory nation undertakes appropriate measures to deter any threat or act directed against the person, freedom or dignity of any official of a foreign nation or an international organization or member of his family."

The above quoted suggestion is based upon the language of paragraph (6) of the proposed resolution, with one technical change. The Department would prefer language relating to "person, freedom or dignity" rather than "life or freedom" in the interest of maintaining consistency with the terms of existing widely accepted multilateral agreements. In this regard, the 1961 Vienna Convention on Diplomatic Relations, which is in force among more than ninety countries and to which the Senate has given its advice and consent to ratification, as well as the 1963 Vienna Consular Convention, which is in force among more than forty countries including the United States, imposes an obligation upon the receiving state to take all appropriate steps to prevent any attack upon the official's person, freedom or dignity.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely yours,

David M. Abshire  
Assistant Secretary for  
Congressional Relations

Boggs). Without objection, it is so ordered.

S. 4238

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Rhode Island (Mr. PELL) and the Senator from Texas (Mr. YARBOROUGH) be added as cosponsors of S. 4238, the Universal Enrollment Act.

The PRESIDING OFFICER (Mr. Boggs). Without objection, it is so ordered.

S. 4260

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from New Hampshire (Mr. McINTYRE), the Senator from Vermont (Mr. PROUTY), and the Senator from South Carolina (Mr. THURMOND) be added as cosponsors of S. 4260, to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code and to provide for statewide public planning, and for other purposes.

The PRESIDING OFFICER (Mr. Boggs). Without objection, it is so ordered.

#### ADDITIONAL COSPONSOR OF JOINT RESOLUTION

SENATE JOINT RESOLUTION 229

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Oklahoma (Mr. HARRIS), I ask unanimous consent that at the next printing the name of the Senator from North Carolina (Mr. JORDAN) be added as a cosponsor of Senate Joint Resolution 229, to establish National Good Grooming Week from November 16 through November 22.

The PRESIDING OFFICER (Mr. Boggs). Without objection, it is so ordered.

#### SENATE RESOLUTION 454—SUBMISSION OF A RESOLUTION RELATING TO TERRORIST ACTS AGAINST DIPLOMATIC AND OTHER FOREIGN PERSONNEL IN LATIN AMERICA

Mr. BYRD of West Virginia. Mr. President, recently there has been a steady increase in cruel and inhumane terrorist activities in Central and South America.

Of particular concern is the recent rash of political kidnappings of foreign officials for extortion purposes. These brutal criminal acts violate all diplomatic concepts as practiced since ancient times.

Political kidnapping is abhorrent to a civilized society, contrary to the interests of world peace, and in violation of the fundamental rights and freedoms of man. Kidnaping used as a political weapon disrupts the efficient performance of functions vital to the comity of nations, and the well-being of their people. It directly affects the security and the domestic stability of the nation in which such an act occurs.

Mr. President, these radicals who intend to destroy governments friendly to

the United States would pose dangers to our own national security. The security of the Western Hemisphere relies mainly on the solidarity of our neighboring nations, and the continued stability of their governments. Those who seek to create havoc with the conduct of these relations impair inter-American security.

Political kidnappings are no mere whims of a small band of guerillas, but a callous and calculated effort to embarrass and destroy free democratic governments.

Since January of 1968, there have been at least 13 major incidents of terrorist acts against diplomatic and other foreign personnel in Latin America. I have asked the Foreign Affairs Division of the Legislative Reference Service of the Library of Congress to prepare a report describing these incidents in detail, and, at the conclusion of my remarks, I shall ask unanimous consent that the report be printed in the RECORD.

Mr. President, the world is now praying for the safe release of two hostages currently held in Uruguay. When the Uruguayan Government rightly refused to accept the blackmail terms calling for the release of 150 political prisoners, ultra-leftist guerrillas called Tupamaros—fanatics who style themselves after an 18th century Inca chief—kidnaped and executed Daniel Mitrione, an American who was assisting the Uruguayan police in improving their security procedures.

What the fate of the two hostages—Dr. Claude L. Fly, an American agricultural expert, and Brazilian Consul Aloysio Mares Dias Gomide—will be is still unknown.

This morning the Uruguayan police found a new note, the 11th communiqué from the Tupamaros guerrillas. The Uruguayan authorities consider this new note to be an authentic document, and it is the latest one to be received since August 11 concerning the health and safety of Dr. Fly.

The note stated that Dr. Fly and the Brazilian counsel are well, and that the disposition of the two hostages has not yet been determined. The note indicated that as long as "measures are being taken against them"—"them" referring to Tupamaros held as prisoners, and "measures" referring to continued questioning—the guerrillas will continue to hold the hostages. This could, however, be interpreted as a change from earlier demands that all prisoners be released.

In addition, the note confirmed an earlier document, which was obtained on August 5, which spoke of dissension within the Tupamaros movement, and the new note reiterated that the two hostages would be executed if the police or military made an effort to seize them.

The country of Uruguay is famous for its beauty. It is a nation small in territory and large in accomplishments. The people are industrious and educated. Poverty is almost unknown. Yet, if the violence of the ultra-left wing guerrillas continues to mount in Uruguay, the democratic government of President Jorge Pacheco Areco might very well fall.

The Uruguayan President has bravely

stood his ground. More than 12,000 police and military personnel are now conducting a house-to-house search for the abductors and their hostages.

This is a needed policy, for if these terrorists are allowed to succeed, no foreign official or diplomat will be safe from the harassment of leftists in search of political gains.

The United States has instituted special protective measures, which have not been announced publicly for security reasons, to protect American diplomats stationed throughout Latin America. While this action has been welcomed by the diplomats and their families, it does not diminish or stop the subversive activities. What is needed is unified international agreement and action, so that all radicals will know that kidnaping will no longer be tolerated, and that political asylum will no longer be given either to political prisoners whose release was in exchange for hostages, or to the abductors.

Mr. President, last June the General Assembly of the Organization of American States adopted a resolution condemning these acts, and at the same time, requesting the Inter-American Juridical Committee of the OAS to draft an inter-American instrument on kidnaping, extortion, and assaults against persons where such acts may have international repercussions. The Inter-American Juridical Committee was to have commenced its work this morning, but due to a procedural problem, it has now postponed its first meeting until August 31. A final report is expected not later than 60 days after this first meeting.

It is hoped that a strong multilateral agreement will be adopted, for it will implement the resolve with which the nations of this hemisphere can work together to prevent further terroristic violence from disrupting the political stability and solidarity of our hemisphere.

On June 26, Secretary of State Rogers spoke eloquently before the OAS, and on this issue said:

I hope this Assembly can deal effectively with terrorism and kidnapping, especially in their international aspects . . . Such acts clearly and distinctly violate the principles governing the conduct of relations between states. We would suggest that the Assembly initiate steps to prepare a new international agreement defining these acts as international crimes and establishing appropriate measures to deal with them.

On August 19, after a special meeting of the Council of Organization of American States, the U.S. delegation issued the following press release, which in essence reiterated the U.S. position taken during the secret meeting:

The United States has and will continue to have deep concern for the safety of U.S. personnel abroad. We have taken and are continuing to take steps to provide greater protection for our personnel overseas and to make it more difficult for kidnapping to take place. The host governments, who have the direct responsibility for the protection of foreign diplomats and consulate personnel, have been as concerned as we. If despite our combined efforts a United States official is kidnapped, the U.S. Government determines its policy toward that unfortunate event in the light of all of the

August 24, 1970

pertinent circumstances at the time. We do not, however, ask those governments to meet demands that are considered extreme; to do so would only serve to encourage terrorist groups to kidnap others.

Mr. President, I concur with the statements made by Secretary of State Rogers and the U.S. delegation to the OAS, and I believe the U.S. position deserves the full support of the Senate.

Unless something is done Americans and officials of other countries will continue to be harassed. On August 19, 1970, a group of Tupamaros kidnaped an American, Stephen Spann, held him for an hour, used his car in an attempted robbery, and released him. Although there may not have been any political implications intended in this abduction, the Spann incident does indicate that terrorists continue unabated to endanger the lives and freedom of Americans abroad.

The OAS Inter-American Juridical Committee will soon begin its work. The United States has presented a position which condemns kidnaping as an international crime, and which calls for appropriate measures to deal with such crimes. However, there could be an effort made by other Latin American governments to neutralize any international agreement which would serve as an effective deterrent against these heinous crimes.

For this reason, the United States must be strong in maintaining a position which would guarantee the safety of governmental and official personnel sent overseas, and thus I am introducing today for appropriate reference a resolution expressing the sense of the Senate that the United States should enter into agreements with other nations relating to measures to be taken against persons who unlawfully endanger the life and freedom of any official of a government of another nation or an international organization, or the life and freedom of a member of his family.

My resolution calls upon the President, as he is now doing, to take such action as may be necessary to secure, at the earliest practicable time, bilateral or multilateral agreements by which each signatory nation would agree to treat all such officials and members of their families with due respect, and to take all appropriate steps to prevent any threat or act which would unlawfully endanger the lives of such officials and members of their families.

In addition, each signatory nation would agree to take all measures properly within its jurisdiction to apprehend and to prosecute or extradite any person who commits, or threatens to commit such a threat or an act against such officials and members of their families.

Each signatory nation would agree—keeping in mind the need to act wisely in safeguarding the lives of such officials and members of their families—either, first, to refuse to accept any political hostages released as a result of such terrorist acts or threats; or second, to capture and hold in confinement for extradition, and to extradite any political hostages released as a result of such terrorist acts who might have entered a country illegally.

My resolution also provides that each signatory nation would agree to withhold formal recognition of any government formed by terrorists who have participated in threats or acts endangering such officials and members of their families, and to take all other appropriate measures as may be necessary to deter any further terroristic activities.

This is an important resolution, and it merits early consideration by the Senate.

Mr. President, I submit the resolution, and ask unanimous consent that it, as well as the report prepared by the Library of Congress, be printed in the RECORD.

The PRESIDING OFFICER (Mr. Boggs). The resolution will be received and appropriately referred; and, without objection, the resolution and the report will be printed in the RECORD.

The resolution (S. Res. 454) expressing the sense of the Senate that the United States should enter into agreements with other nations relating to measures to be taken against persons who unlawfully endanger the life and freedom of any official of a government of another nation of an international organization, or a member of his family, was referred to the Committee on Foreign Relations, and is printed in the RECORD, as follows:

#### S. RES. 454

Whereas the maintenance of international peace and security and the promotion of friendly relations among nations depend on the orderly and effective conduct of relations among nations;

Whereas any threat or act by any person which unlawfully endangers the life or freedom of any official of the government of another nation or an international organization, or a member of his family, is abhorrent to a civilized society, contrary to the interests of world peace, and violates the fundamental rights and freedoms of man;

Whereas any threat or act unlawfully endangering the life or freedom of any official of the government of another nation or an international organization, or a member of his family, may affect the security and domestic stability of the nation where such threat or act occurs;

Whereas any threat or act unlawfully endangering the life or freedom of any official of the government of another nation or an international organization, or a member of his family, disrupts the efficient performance of functions vital to the comity of nations and the well-being of their people; and

Whereas threats and acts unlawfully endangering the life or freedom of any official of the government of another nation or an international organization, or a member of his family, constitute heinous acts which have aroused world rebuke: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the President should take such steps as may be necessary to secure at the earliest practicable time bilateral or multilateral agreements by which each signatory nation agrees—

(1) to treat all officials of nations and international organizations, and members of their families, with due respect, and to take all appropriate steps to prevent any threat or act unlawfully endangering the life and freedom of any such official or member of his family;

(2) to take all measures properly within its jurisdiction to apprehend, prosecute, extradite, or otherwise deal with any person who commits, or threatens to commit, any such threat or act against an official of another nation or

an international organization, or a member of his family;

(3) consistent with the need to safeguard the lives of such officials, or members of their families, who have been placed in jeopardy by any threat or act unlawfully endangering their lives or freedom, to refuse to grant asylum to any person, and to capture and to hold in confinement for extradition any person, whose release from custody of another nation was achieved by means of any such threat or act;

(4) consistent with the need to safeguard the lives of such officials, or members of their families, who have been placed in jeopardy by any threat or act unlawfully endangering their lives or freedom, to extradite any such person so captured and confined to the appropriate authority of the nation from which he was released following the removal or cessation of any such threat or act;

(5) to withhold formal recognition of any government formed by any person, or group of persons, who have participated in such threat or act; and

(6) to undertake such other appropriate measures as may be necessary to deter any threat or act unlawfully endangering the lives or freedom of any such official or member of his family.

The report furnished by Mr. BYRD of West Virginia is as follows:

RECENT TERRORIST ACTS AGAINST DIPLOMATIC AND OTHER FOREIGN PERSONNEL IN LATIN AMERICA

(By Rieck B. Hannifin)

January 16, 1968, Guatemala, while returning from lunch, U.S. Army Colonel John D. Webber, commander of the 34-man U.S. military group in Guatemala, and Lieutenant Commander Ernest A. Munro, head of the group's navy section, were gunned to death by bullets from a passing car. Two U.S. military enlisted personnel were wounded in the attack. The following day the FAR (Armed Forces of the Revolution), a pro-Castro terrorist group, distributed leaflets throughout Guatemala City claiming responsibility for the assassinations. The leaflets declared that the shooting was to avenge murders by clandestine right-wing organizations which the FAR said received orders from the U.S. military mission.

U.S. Ambassador John G. Mein is said to have believed that the killings were an attempt to force an escalation of U.S. military strength in Guatemala, aimed both at arousing the population against the United States and at diverting U.S. soldiers and equipment from "wars of liberation" elsewhere (in short, Che Guevara's strategy of weakening the United States by creating various Vietnams).

(2) August 28, 1968, Guatemala, U.S. Ambassador to Guatemala John G. Mein was assassinated while enroute in the chauffeur-driven U.S. Embassy limousine from a luncheon at the Embassy residence to his office in downtown Guatemala City. The limousine was forced to the curb by a car, and blocked in from behind by a small truck. Several young men dressed in green fatigue uniforms and armed with at least one automatic weapon scrambled from their car and surrounded the Ambassador's limousine. Ambassador Mein leaped from his car and ran. He was struck in the back by a burst of submachine gun fire and killed instantly.

The following day the FAR issued a communique, given to the newspaper *El Imparcial*, announcing that Ambassador Mein was killed "while resisting political kidnapping as an answer to the capture of commandant Camilo Sanchez of the FAR." Sanchez, believed to have been in command of urban guerrillas, was reportedly a prisoner in Guatemala City. It is speculated that the FAR sought to kidnap Mein as ransom for the release of Sanchez.

August 24, 1970

## CONGRESSIONAL RECORD -- SENATE

S 14049

Ambassador Mein, whose life had been threatened repeatedly, knew that he was a possible target of leftist guerrillas. Nevertheless, he spurned a bodyguard, believing that U.S. policy was best served by refusing to give the terrorists an opportunity to boast that they had intimidated the United States. In conversation with friends, he indicated that he would attempt to escape rather than submit to capture and provide the terrorists with an opportunity to humiliate the United States and Guatemalan governments.

(3) September 4, 1969, Brazil, U.S. Ambassador Charles Burke Elbrick was kidnapped by four gunmen who ambushed Elbrick's car in a Rio de Janeiro street near the Embassy as the Ambassador was returning to his downtown office from lunch at the Embassy residence.<sup>1</sup> The abductors drove off with Elbrick, leaving behind the Ambassador's chauffeur, a ransom note, and a homemade bomb which failed to explode. The note said that the Ambassador was seized because he was "the symbol of exploitation," and demanded the publication of the manifesto and that the Brazilian Government release 15 political prisoners who were to be flown to Algeria, Chile, or Mexico. If the demands were not met within 48 hours, Elbrick would be "executed."

The manifesto was signed by two left-wing terrorist organizations—the MR-8 and the National Liberation Alliance. It declared that they would no longer tolerate tortures, beatings and killings of their members at the hands of the authorities and contained a violent condemnation of Brazil's military regime.

The kidnappers negotiated with the Brazilian Government by notes, left first in an alms box in a church in Rio and then in the suggestion box at a supermarket in suburban Leblon. On September 5, the Brazilian Government agreed to the kidnappers' conditions, and that day broadcast the terrorists' manifesto. The following day, the fifteen specified prisoners were flown to Mexico. The prisoners were a varied group—representatives of student organizations, unions, and peasant groups, and members of the orthodox Brazilian Communist Party as well as representatives from the more radical Castroite, Trotskyite, and Maoist groups. In Mexico, one of the released prisoners, Mario Galhardo Zaccanto, a 22-year-old former medical student, said he had organized eight bank robberies in the state of Minas Gerais to raise funds for the revolutionary movement. Two others, Ivens Marchetti and Onofre Pinto, a former army sergeant, said they had taken part in organizing the killing of U.S. army captain Charles Chandler.<sup>2</sup>

On September 7 Ambassador Elbrick was released by his captors, whom he described the following day as "young, very determined intelligent fanatics" who would have carried out their threat if their demands had not been met.

(4) March 6, 1970, Guatemala, Sean Holly, U.S. labor attaché in Guatemala, was seized by two carloads of men armed with submachine guns who intercepted his automobile on a main street of Guatemala City as he returned to the Embassy from lunch. The urban guerrillas, members of Communist Rebel Armed Forces (FAR), held him hostage in the mountains for 39 hours to obtain the release of four of their comrades, threatening to kill Holly if the Guatemalan Government refused. In return for Mr. Holly's release, two imprisoned members of the

FAR were released and was given political asylum in the Costa Rican Embassy on March 7. A third, whose release the guerrillas had demanded in the mistaken belief that he was in jail, contacted the Costa Rican Embassy on the morning of March 8 and was given political asylum there. All three were given safe conducts to go to Mexico. The fourth guerrilla on the kidnappers' list was allowed to go to Mexico earlier. Mr. Holly was taken to a church in a working-class district of Guatemala City on March 8 by two guerrillas who turned him over to the priest with a warning that the police not be called for an hour.

(5) March 11, 1970, Brazil, Nobuo Okuchi, Japanese consul general in Sao Paulo, Brazil, was abducted by terrorists while on the way home from his office in Sao Paulo. Three cars forced Mr. Okuchi's car to stop; then armed men threatened the chauffeur, made the consul get out of his limousine, and drove him off in another car. In a ransom note the following day, the kidnappers said they would release Mr. Okuchi after five prisoners had been released from Sao Paulo prison and sent into exile, preferably to Mexico. The abductors identified themselves as members of the Popular Revolutionary Vanguard, an urban terrorist organization under the leadership of a former Brazilian army captain. They threatened to kill Mr. Okuchi if the five prisoners were not released and if the government did not call off its massive manhunt. Soon after the kidnappers made their demands known, a note from Mr. Okuchi saying he was well and asking for caution by authorities was delivered to the Japanese Chamber of Commerce in Sao Paulo.

That evening, close to the deadline set by the kidnappers, the Brazilian Government announced that it would meet the ransom conditions. The following day, the Brazilian Government agreed to an additional demand—to guarantee all prisoners in Brazilian jails good treatment.

On March 14, the Brazilian Government released the five prisoners and sent them on a jetliner to Mexico. The prisoners included three self-confessed urban guerrillas and two women. One of the latter is the mother superior of a church-sponsored orphanage in Sao Paulo state who was imprisoned on October 25, 1969, on charges of allowing members of the Armed Liberation Front to use her convent as a base of operations. The other is the wife of a guerrilla leader who had been detained on February 26, 1969, following a raid on her home in which her husband was killed in a shoot-out with the police. Upon arrival in Mexico, the five released prisoners all claimed to have been tortured in prison.

Ten hours after the released prisoners arrived in Mexico, the kidnappers freed Mr. Okuchi unharmed.

(6) March 24, 1970, Dominican Republic, Lt. Col. Donald J. Crowley, United States air attaché in the Dominican Republic, was kidnapped on arrival for his customary 8 a.m. calisthenics on the polo field beside the Hotel Embajador by five or six men in military uniforms and armed with rifles. In a note to the evening newspaper *El Nacional*, the kidnappers identified themselves as members of the United Anti-Reelection Command, a group of leftists seeking to block incumbent President Balaguer's attempt to serve another term as President. The kidnappers demanded that 21 prisoners be brought to Santo Domingo's main square by 10 a.m. the following morning, and released in a public ceremony attended by the auxiliary archbishop of Santo Domingo, the president of the university, and the president of the bar association. Lt. Col. Crowley would be released ten hours later. If any killing happened to any of the prisoners, the kidnappers vowed to kill Crowley.

The Dominican Government agreed to exchange the prisoners for Crowley, but balked

at waiting ten hours for his release and at freeing the prisoners in the Plaza Duarte. With Archbishop Hugo Polanco arbitrating between the Dominican Government and the kidnappers, a compromise was reached whereby 20 prisoners would be placed on board a jet airliner under protection of the Mexican Embassy, with Archbishop Polanco aboard as escort, and the plane would be permitted to depart as soon as Col. Crowley appeared. Crowley was released unharmed on March 26.

(7) March 24, 1970, Argentina, Waldemar Sanchez, Paraguayan consul in the border town of Itazuingo, was kidnapped in the afternoon while showing his car to a group of prospective buyers in Buenos Aires. The abductors, members of the Argentine Liberation Front (formed in 1968 by militant dissidents of the Soviet-oriented Argentine Communist Party), threatened to kill the consul if two of their members, Carlos Dellanave and Alejandro Baldu, were not released by 10 p.m. on March 25.

The following day, President Stroessner of Paraguay arrived in Argentina for a scheduled vacation. That day, the Argentine Government (apparently with Stroessner's approval) refused to comply with the terrorists' demands. The Government declared that Baldu was not in custody and that Dellanave was a common criminal and would stay in jail. In response, the Front said that Baldu had been either killed by the police or tortured so severely that the government could not release him. Dellanave was shown for ten seconds on television, but his father declared in a news conference that his son had been stripped by police, beaten, and tortured with an electric prod. On March 25 the kidnappers told Buenos Aires newspapers that if the two men were not released, they would execute Mr. Sanchez and "begin the execution of all managers of American business." On March 26 and 27, radio and television stations throughout Argentina declared every half-hour that the Government would not be blackmailed into releasing any prisoners.

On March 28 the kidnappers released Mr. Sanchez unharmed. The group said that it did not go through with its threat "for humanitarian reasons." In their final statement, issued after releasing their hostage, the Front declared that they would now "undertake the execution of an undetermined number of police and officials."

(8) March 29, 1970, Argentina, an attempted kidnapping of two Soviet Embassy diplomats failed when one of the diplomats fell out of the getaway Mercedes and the other was rescued when the car crashed during a police chase. Four men were waiting in the commercial garage used by the Soviet diplomats when Yuri Pivovarov, assistant commercial attaché of the Soviet Embassy, his wife and infant daughter, and another Soviet official and his wife returned from a Sunday drive. The assailants forced the women from the car, subdued Pivovarov, with a blow of a pistol butt, and drove off. The women's screams alerted a police guard, who fired at the fleeing car. A passing police car took up the chase and riddled the Soviet car with bullets. The car collided with another and smashed into a tree. Three of the abductors were injured and captured by the police; the fourth escaped.

The Argentine Government identified one of the captured kidnappers as Deputy Inspector Carlos Boningo Balbuena of the Federal Police's 33d Precinct, a man known for right-wing beliefs. The two others were not connected with the police. A rightist terrorist organization MANO, or Argentine National Organization Movement) circulated a statement claiming responsibility for the attempted kidnapping and describing the three captured men as "war heroes."

(9) March 31, 1970, Guatemala, the West German Ambassador to Guatemala, Count

<sup>1</sup> Ambassador Elbrick, recently arrived in Brazil, refused an armed escort, a precaution which his predecessor, Ambassador Lincoln Cordon, regularly took.

<sup>2</sup> Chandler, assassinated in October 1969 in Sao Paulo, was a student of Portuguese and Brazilian history at the university of Sao Paulo. The terrorists claimed he was a CIA agent.



August 24, 1970

Karl von Spreti, was forced from his limousine by armed men in downtown Guatemala as he was riding with his chauffeur from his embassy to his home shortly after noon. The FAR claimed responsibility for the abduction and demanded the release of 17 prisoners, among whom were three accused of killing a congressman and three policemen, others accused of taking part in shootings of pro-Government politicians and attacks on military installations, and five who were accused of carrying out the kidnapping of Guatemala's foreign minister Alberto Fuentes Mohr, Guatemalan banker Gabriel Figuria, and U.S. labor attache Sean Holly. The Vatican Ambassador announced that he had been contacted by the guerrillas to act as intermediary.

On April 2 the Guatemalan Government announced that it would not release any prisoners, and issued a general declaration of war on rebel movements, imposed martial law, and proclaimed a state of emergency. The West German Government issued a protest to Guatemala, saying it could not "accept the decision" against freeing prisoners to obtain the Ambassador's release.

On the morning of April 3, a delegation of foreign ambassadors met with Foreign Minister Alberto Fuentes Mohr to protest the Guatemalan Government's decision not to meet the kidnappers' demand for the release of the 17 prisoners. Meanwhile, in a note to the Papal delegate, the kidnappers increased their price from 17 to 25 prisoners and \$700,000. On the same day, Bonn dispatched a special envoy to Guatemala to press its case. It is reported that West Germany offered to pay the \$700,000 demanded by the abductors. However, that evening the Guatemalan Government renewed its refusal to meet any of the guerrilla's demands.

The kidnappers' ultimatum expired at 3 p.m. on April 4. On April 5, after an anonymous call, von Spreti's body was found in an abandoned house 17 kilometers from Guatemala City with a bullet wound in the temple.

(10) April 5, 1970, Brazil, United States Consul Curtis Cutter was shot in the back when he thwarted a kidnapping attempt in Porto Alegre, Brazil. Cutter, his wife, and a friend were returning to his residence after a late dinner when the path of his car was blocked by another. Several men wearing dark glasses and armed with submachine guns and revolvers jumped out of the car and headed toward the consul's station wagon. Cutter pushed on the accelerator and sped off around the car, hitting one of the men and dragging him on the bumper for several yards. The others opened fire, wounding Cutter a fraction of an inch from his lung. He made it home, while the terrorists picked up their injured man and escaped.

(11) June 11, 1970, Brazil, West German Ambassador Ehrenfried von Hollenben was abducted in Rio de Janeiro as he returned to his residence from the German embassy. Several hundred yards from the residence, a station wagon swerved in front of the ambassador's car. Several terrorists jumped from the station wagon with submachine-guns blazing, spraying the ambassador's car and also hitting a follow-up guard car. The ambassador's police guard was killed, and Von Hollenben was chloroformed, put in the trunk of another car, and taken to a house in the outskirts of Rio.

At the site of the abduction the kidnappers left leaflets which said the ambassador would be returned safely if the government agreed to release an unspecified number of political prisoners. Later communiques from the terrorists demanded the release of 40 specified prisoners and that the government publicize an inflammatory proclamation issued by the kidnappers demanding the overthrow of Brazil's military regime.

On June 15 the Brazilian government met the ransom demanded, flying 34 men and six women to Algiers which had agreed to grant them asylum for humanitarian reasons. Four of the prisoners exchanged (Fernando Paulo Nagle Gabe, Cid de Queiroz Benjamin, Daniel de Almeida Filho, and Vera Silvia de Araujo Mendes) had been charged with participation in the earlier kidnapping of U.S. Ambassador Elbrick.

In a press conference after his safe return, Ambassador von Hollenben said that his captors told him they had chosen a West German because the Federal Republic has strong business and investment links with Brazil, which would encourage Bonn to put pressure on the Brazilian Government to meet the kidnappers' demands.

(12) July 31, 1970, Uruguay. In four separate and well-coordinated actions in Montevideo, groups of Tupamaros (Uruguay's Marxist urban guerrillas) abducted a United States official and a Brazilian diplomat, and attempted unsuccessfully to kidnap two American diplomats.

Dan A. Mitrione, former police chief of Richmond, Indiana, and for the past two years head of the U.S. aid mission's public-safety program in Uruguay, reportedly was seized on his way to work by five terrorists who intercepted his chauffeured car and forced him into their station wagon at gunpoint. During his capture, Mitrione was shot in the chest.

At almost the same moment, Brazil's consul and second secretary of the embassy, Aloysio Mares Dias Gomide, was kidnapped by four gunmen who entered his home disguised as telephone repairmen.

Simultaneously, separate attempts were made to abduct M. Gordon Jones, second secretary of the United States embassy, and Nathan Rosenfeld, the embassy's cultural attache. Both men managed to elude their abductors after both were struck on the head and slightly injured. According to press reports, Jones was bound hand and foot and shoved into the rear of a pickup truck; he managed to escape by throwing himself out of the moving vehicle, then hobbled to a small store where he asked the owner to call the United States embassy. Details of Rosenfeld's escape have not been published.

In a statement delivered to the newspaper *El Diario* on August 2, the guerrillas demanded as ransom for the two hostages the release of all "political prisoners" (estimated variously from 100 to 150) and that they be sent to Mexico, Peru or Algeria. The communique made no mention of the consequences if their demands were not met. The Tupamaros also announced that Mitrione had undergone surgery for his wound and gave details of his treatment.

Uruguay's President Jorge Pacheco refused to "negotiate with criminals" and, instead, the government continued the nationwide search for the two kidnapped men begun immediately after their abductions.

On August 6 the guerrillas set a deadline of midnight August 7 for the government to decide on the release of all political prisoners. Their statement, delivered to a radio station, contained the vague warning that "if there is no official pronouncement by then we shall terminate this affair and do justice." The terrorists' message described Mitrione as "an American spy infiltrated by the government into the Uruguayan state" and Dias Gomide as the "representative of a dictatorship which has tortured and assassinated hundreds of patriotic Brazilians." In reply that evening, President Pacheco reiterated his refusal to bargain with the kidnappers, stating that he was "absolutely in agreement with" the Interior Ministry's refusal to recognize imprisoned guerrillas "political prisoners." He said the government would continue to "maintain law, institutions, and the intangible rights of legitimate justice."

Following capture of the Tupamaros' two most important leaders, Raul Sendic and Raul Bidegain Gressing, the terrorists announced on the night of August 8 that Mitrione would be executed at noon the following day because President Pacheco refused to release the political prisoners. The next day Dan Mitrione's body, shot twice in the head, was found in a car parked in a Montevideo street.

(13) August 7, 1970, Uruguay, as Uruguayan police and military searched for Mitrione and Dias Gomide who had been kidnapped the week before, terrorists seized Dr. Claude L. Fly, a soil expert working privately on contract to the Uruguayan government. Reportedly, Dr. Fly was meeting with Uruguayan agronomists at his laboratory on the outskirts of Montevideo when a band of armed Tupamaros rushed in and abducted him.

At this writing, Brazilian Consul Aloysio Mares Dias Gomides and Dr. Claude Fly are still in captivity. A Tupamaro communique on August 11 warned that if their hideout were found or if the Uruguayan government harmed any Tupamaros it held prisoner, the American and Brazilian captives would be shot.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. DOMINICK. Mr. President, I wish to congratulate the distinguished Senator from West Virginia for bringing this matter to the attention of the Senate.

One of my constituents, Dr. Claude L. Fly, is now a prisoner of the Tupamaros in Uruguay. We have been in touch with his family, his son and wife and daughter, to determine what can be done.

I was pleased to see that in the appropriation bill for State, Justice, and Commerce, which is now before us, there has been added a little over \$1 million to try to give additional protection to our people working overseas in these perilous areas.

However, this does not cover the problem we have in many areas of the world. Dr. Fry was an officer in an independent agriculture organization which, in turn, had been hired by the Uruguayan Government. He was down there as the American representative of that group to try to give assistance in agricultural knowledge and the productive capacity of that country, so he was not an employee of the United States. He was an employee under contract with the Uruguayan Government. That means whatever efforts we undertake—and the State Department has been doing very well on this matter; I must give them an A-plus on this all the way through—have to be through the Uruguayan Government.

This, of course, doubles the number of problems we have.

I sincerely hope that we can start out just exactly as the Senator from West Virginia has been doing, to try to determine some method by which we can provide whatever assistance is necessary to give protection to both people who are trying to help other countries and those trying to carry out orders of this country.

I thank the Senator for what he has proposed. I want to establish myself as a member of this effort.

Mr. BYRD of West Virginia. I thank the Senator.



*Copy to Legislative*  
Approved For Release 2005/11/23 : CIA-RDP80B01495R000100031-5

DATE: 12 October 1970

TO: ~~Mr. Proctor~~

FROM:

SUBJECT: Request from Legislative Counsel

REMARKS:

As explained in the note from  on the attached material, we are asked to provide a proposal for an Agency position on State's proposed report regarding Senate Resolution 454: Submission of a Resolution Relating to Terrorist Acts Against Diplomatic and Other Foreign Personnel in Latin America.

In the attached letter from David Abshire to Senator Fulbright, State says that they are deeply concerned with the problem and appreciate the Senate's Resolution of support for international agreements to deal with it, but prefer that the operative part of the Resolution be limited so as not to complicate negotiations. Specifically, paragraphs 3 and 4 (clipped) of the Resolution could seriously complicate delicate discussions when an individual's life might be in jeopardy.

As I see it, we would concur in State's position. Must we prepare a proposal for an Agency position? If so, how do we handle it?

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12 OCT

*After discussion with FWP  
no proposal, and had no reason to object*

*to State's position.*  
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USE ONLY☐ CONFIDENTIAL☐ SECRET

## ROUTING AND RECORD SHEET

SUBJECT: (Optional)

S. Res. 454

FROM:

Legislative Counsel  
7D35 Hqs

EXTENSION

NO.

DATE

STAT

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S  
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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Would you be kind enough to give us your proposal for an Agency position with respect to State's proposed report attached. We are canvassing all Directorates and OGC.

Please let us know if there will be a problem in providing your comments by 23 October.

Attached also for your information is a clipping from the Congressional Record on the introduction and background of S. Res. 454.

STAT